



## BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: #13310-00000-00508

Date Received: 15 July 2013

Commission/Civic: BREWERY DIST.

Existing Zoning: \_\_\_\_\_ Application Accepted by: TF Fee: \$1900

Comments: \_\_\_\_\_

### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

See Statement attached

**PAID**  
JUL 15 2013

**BUILDING & ZONING SERVICES**

### LOCATION

1. Certified Address Number and Street Name 961 S. High St.

City Columbus

State Oh

Zip 43206

Parcel Number (only one required) 010-036000

### APPLICANT: (IF DIFFERENT FROM OWNER)

Name Archie Gresak c/o Laura Macgregor Comek, Esq

Address 500 S. Front St., 12th Fl. City/State Cols, Oh Zip 43215

Phone # 614 229 4557 Fax # 229 4559 Email laura@cbjlawyers.com

### PROPERTY OWNER(S):

Name Michael and Barbara Ferns

Address 533 S. Third St. City/State Cols Oh Zip 43215

Phone # 229 4557 Fax # 229 4559 Email laura@cbjlawyers.com

☐ Check here if listing additional property owners on a separate page.

### ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name Laura Macgregor Comek, Esq

Address 500 S. Front St., 12th Fl City/State Cols, Oh Zip 43215

Phone # 614 229 4557 Fax # 229 4559 Email: laura@cbjlawyers.com

### SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE by [Signature]

PROPERTY OWNER SIGNATURE by [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



# CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00000-00508  
961 SOUTH HIGH ST

## One Stop Shop Zoning Report Date: Thu Aug 1 2013

General Zoning Inquiries: 614-645-8637

### SITE INFORMATION

Address: 961 S HIGH ST COLUMBUS, OH

Mailing Address: 533 S 3RD ST  
533 S 3RD ST

Owner: FERRIS MICHAEL J & BARBARA

Parcel Number: 010036000

### ZONING INFORMATION

Zoning: ORIG, Commercial, C4  
effective 2/27/1928, Height District H-60

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: SOUTH HIGH ST/ SOUTH FRONT ST UCO

Graphic Commission: N/A

Area Commission: Brewery District Commission

Planning Overlay: N/A

Historic District: Brewery District

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

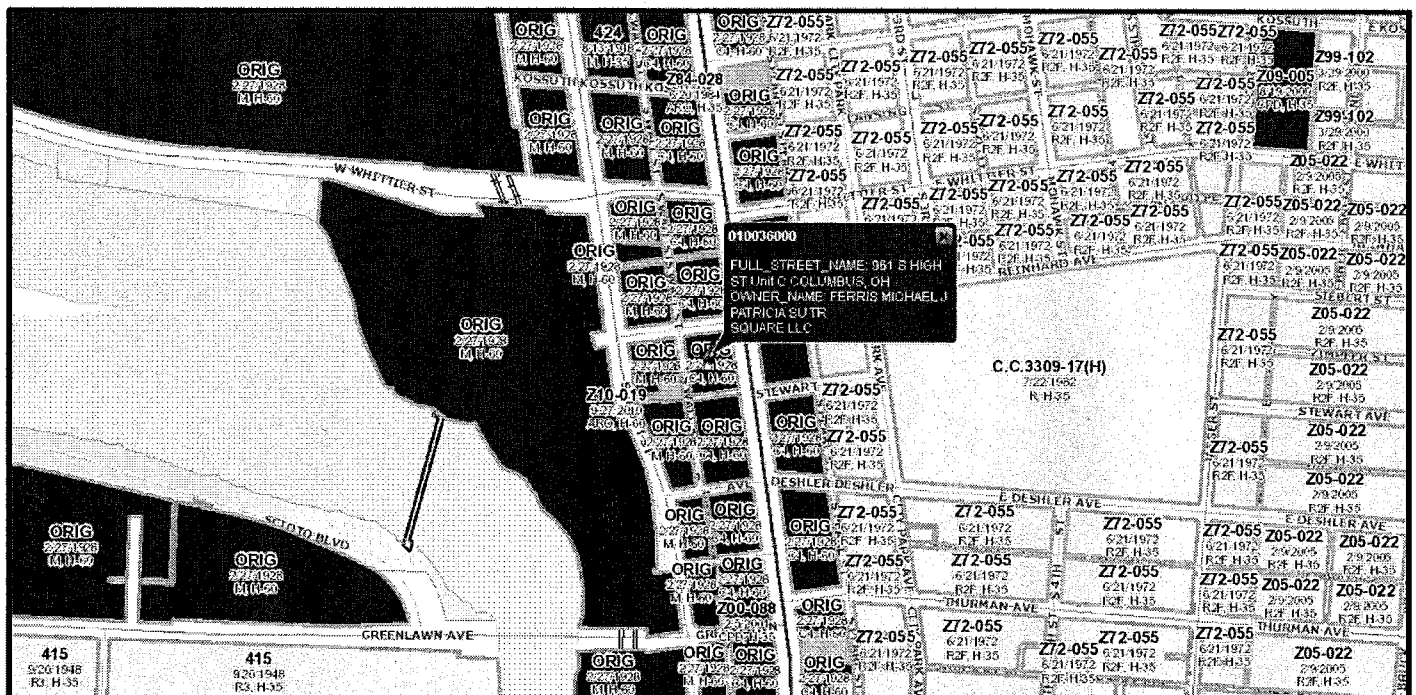
### PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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### AFFIDAVIT

13310-00000-00508

961 SOUTH HIGH ST

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Laura MacGregor Comek, Esq  
of (1) MAILING ADDRESS 500 S. Front St., 12th fl. Columbus, Oh 43215  
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Michael & Barbara Ferris

AND MAILING ADDRESS

533 S. Third St

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Eric Gresak c/o Laura M. Comek  
500 S. Front St., 12th fl. Columbus, Ohio 43215

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Brewery District Commission  
c/o James Goodman  
109 N. Front St. 1st floor

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

pls see attached

☐ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 15th day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8)

Carol A. Stewart

Commission Expires:

CAROL A. STEWART  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 06/28/2014

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### STATEMENT OF HARDSHIP

13310-00000-00508  
961 SOUTH HIGH ST

APPLICATION # \_\_\_\_\_

#### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

*Please See Statement attached*

Signature of Applicant

Date

*7.15.13*

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**BZA STATEMENT OF HARDSHIP**

**Applicant:** Eric Gresak. c/o Laura MacGregor Comek, Esq.  
**Address:** 961 S. High Street, Columbus, Ohio (43206)  
**Parcel Nos.:** 010-036000-00  
**Zoning Districts:** C4

This Statement is submitted in support of the Applicant's request for variance(s) to legitimize certain improvements made to the property in the late 1990s - that were not properly permitted/no approvals obtained. These improvements, including a 10'x23' porch (230 sf) and a poured 26'x62' (1612 sf) patio are more than 10 years old and pre date this Applicant's lease of the building for a restaurant. This request is made specifically due to a code enforcement complaint that brought these non permitted long standing development standards to light. In addition to the patio and porch, a few other improvements were made without obtaining Certificate of Appropriateness:

Like for Like sign face replaced (same pole and sign casing/frame)  
Exhaust Fan from the south wall (not immediately visible from right of way)  
Air Conditioning units, screened 100% by wood fence, painted light tan  
Satellite Dishes, located at rear of building  
Wood structure placed (firm but not permanent) in front patio area  
Un fixed gazebo style umbrella for patio seating areas  
Outdoor, non permanent decorative string (bulb) lighting.

Finally, the current owner

The Site is zoned C4, and includes the existing legal uses of commercial (first floor) with above residential units.

The Site housed many restaurants including the old Swiss House, Café Europa, Taverna Opa and now Gresso's.

The Site is typical German Village/Brewery District commercial, in terms of size, parking in rear, brick original structure with wood trim porch, etc.

North:  
North/northeast:  
East:  
South:  
Southeast:  
Southwest:  
West:

The zoning map is attached.

The Applicant requests the following variances:

(1). Variance from C.C.C. §3312.49, Table 2. To reduce required parking from ~~6~~ spaces to zero.

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As mentioned above, this request is made to legitimize improvements/changes made to the site – which pre date the current lease tenant. There is no change of use.

The essential character of this corridor of south high street is intense commercial, with mixed use on site and within close proximity. The current uses are long standing (residential and commercial restaurant) as are the patio and other items listed herein. The area serves both local residents and patrons that arrive in cars. There is significant on street parking along high street, front street and adjacent streets, some of which is metered. The applicant has provided additional parking within 750 feet of the Site, for which agreements/leases or memoranda of same can be provided. In that way, the area (although both the additional seating areas are well established) will not be affected by the granting of this variance. Furthermore, the applicant has proposed feasible alternatives/additional considerations to alleviate any impacts that might otherwise exist. The request is in keeping with the general character of the area, has no effect on the delivery of governmental services and is otherwise needed to legitimize long standing, albeit non permitted, conditions.

For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted,



CRABBE, BROWN & JAMES, LLP  
Laura MacGregor Comek, Esq.  
500 S. Front Street, Suite 1200  
Columbus, Ohio 43215  
Phone: (614) 228-5511; Fax: (614) 229-4559  
[LComek@cbjlawyers.com](mailto:LComek@cbjlawyers.com)  
Counsel for Owners/Applicant



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 7/9/13



Disclaimer

Scale = 60

Grid North

This map is prepared for the real property inventory within this survey plats, and other public records and data. Users of this information sources should be consulted for verification of the county and the mapping companies assume no legal responsibility. Please notify the Franklin County GIS Division of any discrepancies.

13310-00000-00508  
961 SOUTH HIGH ST

map.

apartment

Grosso's



13310-00000-00508  
961 SOUTH HIGH ST

## Property Report

Generated on 05/08/13 at 12:04:08 PM

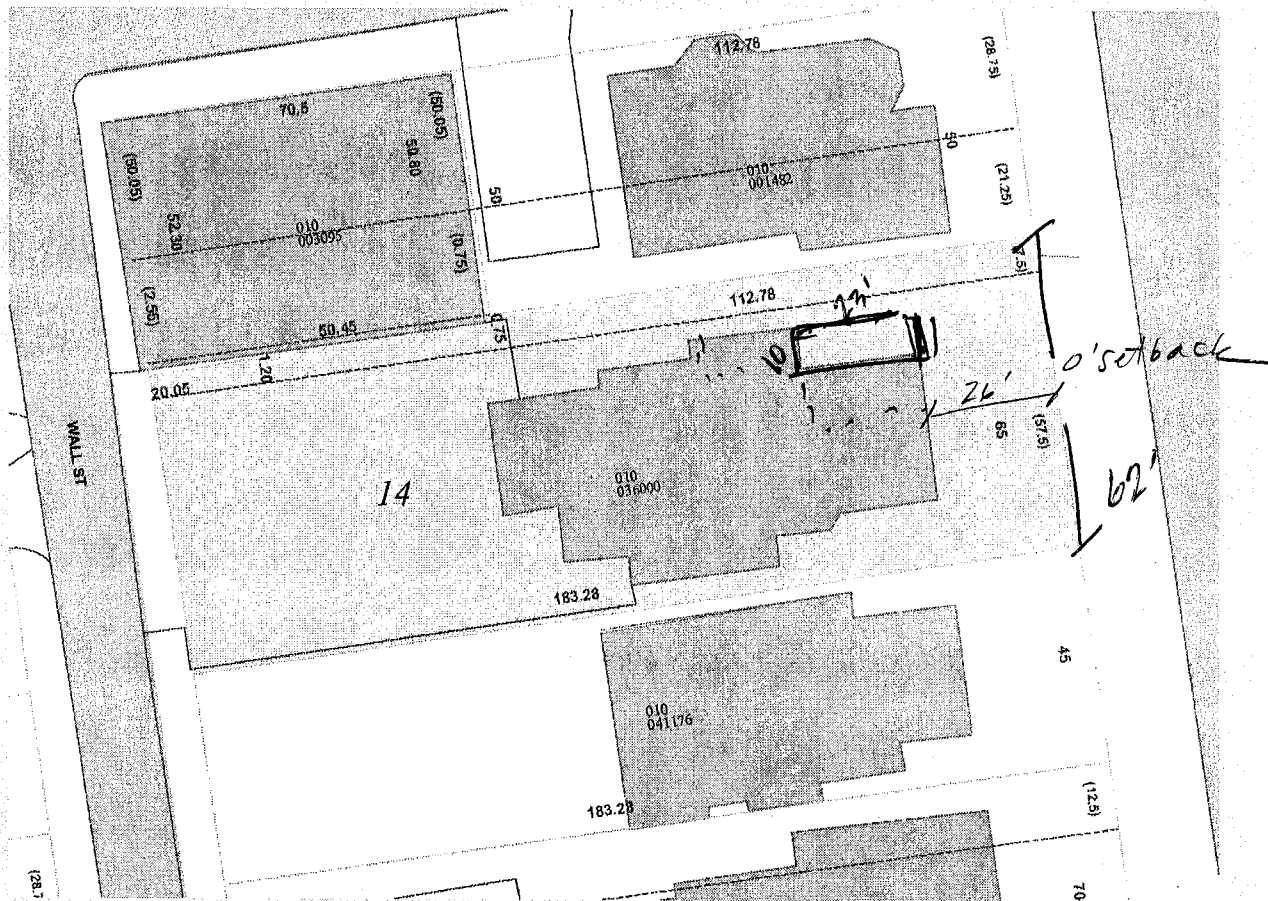
Parcel ID  
**010-036000-00**

Map Routing No  
**010-K018 -013-00**

Card No  
**1**

Location  
**961 S HIGH ST**

GIS



### Disclaimer

This drawing is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this drawing are notified that the public primary information source should be consulted for verification of the information contained on this drawing. The county and the mapping companies assume no legal responsibilities for the information contained on this drawing. Please notify the Franklin County GIS Division of any discrepancies.

The information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.





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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.  
provided.

13310-00000-00508  
961 SOUTH HIGH ST

APPLICATION

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS) Laura MacGregor Corneli, Esq.  
500 S. Front St. 12th Fl. Columbus, Ohio 43215  
deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Eric Bresale of Laura MacGregor Corneli, Esq.  
500 S. Front St. 12th Fl.  
Columbus, Ohio 43215

Michael & Barbara Ferris 533 S. Third St.  
Columbus, Oh 43215

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 15th day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Carol A. Stewart

My Commission Expires:



CAROL A. STEWART  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 06/28/2014

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